

**THE MINUTES OF THE HOUSE STANDING COMMITTEE
ON
JUDICIARY**

Wednesday, July 18, 2007

9:00 a.m.

Room 521 House Office Building

The House Standing Committee on Judiciary was called to order by **Representative Paul Condino**, Chairman.

MEMBERS PRESENT: Representatives Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Virgil Smith, Warren, Schuitmaker, David Law, Elsenheimer, Stakoe, Rick Jones and Rocca.

MEMBERS ABSENT/EXCUSED: None.

Representative Rick Jones moved to adopt the minutes of the **June 27, 2007**, meeting. There being no objection, the motion prevailed by unanimous consent.

Chairman Condino laid **HB 4611** and **HB 4612** before the committee:

HB 4611	Rick Jones	Law enforcement; other; standards for training and qualification for certain former law enforcement officers to carry firearms; clarify for the purposes of federal law allowing the carrying of concealed weapons.
HB 4612	Espinoza	Criminal procedure; sentencing guidelines; provide false information on application for certificate to carry firearms by a retired law enforcement officer; include in guidelines.

TESTIMONY

Representative Rick Jones, sponsor of HB 4611, explained his bill to the committee.

Representative Espinoza, sponsor of HB 4612, explained his bill to the committee.

Thomas Furtaw, Assistant Attorney General, representing the Michigan Commission on Law Enforcement Standards (MCOLES), testified in support of the bills.

Dave King, representing the Michigan Commission on Law Enforcement Standards (MCOLES), testified in support of the bills.

The following people submitted a card and did not wish to speak:

Bret Totoraitis, representing the Attorney General, supports the bill.

Hermine Kramp, representing the Michigan Commission on Law Enforcement Standards (MCOLES), supports the bills.

Dale Rothenberger, representing the Michigan Commission on Law Enforcement Standards (MCOLES), supports the bills.

Phil Hoffman, representing the Michigan Sheriffs' Association, supports the bills.

Chairman Condino placed the committee at ease at 9:27 a.m.

The committee reconvened at 9:31 a.m.

Chairman Condino laid **SB 386** before the committee:

SB 386	Patterson	Crimes; criminal sexual conduct; provisions in criminal sexual conduct statutes relating to teachers and other school employees; expand to include volunteers, employees, and contractual service providers.
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TESTIMONY

Chris Gillett, from Senator Patterson's office, testified in support of the bill.

Stephanie Johnson-Wuttke, representing the Michigan Coalition Against Domestic Sexual Violence, submitted a card in support of the bill.

Sgt. Matt Bolger, representing the Michigan State Police, submitted a card in support of the bill.

Representative Schuitmaker moved to adopt the substitute (**H-1**) to **SB 386**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Condino, Coulouris, Bieda, Corriveau, Meisner, Scott, Virgil Smith, Warren, Schuitmaker, David Law, Elsenheimer, Stakoe and Rick Jones,
Nays: None,
Pass: None.

Representative Coulouris moved to report **SB 386** with recommendation, as substitute (**H-1**).

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Condino, Coulouris, Bieda, Corriveau, Meisner, Scott, Virgil Smith, Warren, Schuitmaker, David Law, Elsenheimer, Stakoe, Rick Jones and Rocca,
Nays: None,
Pass: None.

The committee returned to the consideration of HB 4611 and HB 4612.

Representative Rick Jones offered the following amendment to **HB 4611**:

1. Amend page 4, line 15, after "act." by inserting "A certificate is valid for 12 months and expires on a date determined by the commission. A certificate that is not revoked may be renewed annually.".

Representative Schuitmaker moved to adopt the amendment.

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Condino, Coulouris, Bieda, Corriveau, Meisner, Scott, Virgil Smith, Warren, Schuitmaker, David Law, Elsenheimer, Stakoe, Rick Jones and Rocca,
Nays: None,
Pass: None.

Representative Rick Jones offered the following amendment to **HB 4611**:

1. Amend page 4, line 17, after "valid" by inserting "Michigan".

Representative Rick Jones moved to adopt the amendment.

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Condino, Coulouris, Bieda, Corriveau, Meisner, Scott, Virgil Smith, Warren, Schuitmaker, David Law, Elsenheimer, Stakoe, Rick Jones and Rocca,
Nays: None,
Pass: None.

Representative Schuitmaker moved to report **HB 4611** with recommendation, as amended.

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Condino, Coulouris, Bieda, Corriveau, Meisner, Scott, Virgil Smith, Warren, Schuitmaker, David Law, Elsenheimer, Stakoe, Rick Jones and Rocca,
Nays: None,
Pass: None.

Representative Coulouris moved to report **HB 4612** with recommendation.

The motion prevailed by a vote of **15-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Virgil Smith, Warren, Schuitmaker, David Law, Elsenheimer, Stakoe, Rick Jones and Rocca,
Nays: None,
Pass: None.

Chairman Condino laid **HB 4920**, **HB 4921** and **HB 4289** before the committee:

HB 4920	Corriveau	Vehicles; equipment; high blood alcohol content drunk driving convictions; create as separate crime, and require certain license sanctions and ignition interlock device requirements.
HB 4921	Acciavatti	Crimes; drunk driving; repeat drunk driving offenders; amend license sanctions.
HB 4289	Constan	Vehicles; equipment; installation of ignition interlocking device for high blood alcohol content drunk driving convictions; require.

TESTIMONY

Lance Binoniemi, representing the Michigan Licensed Beverage Association, testified in opposition to the bills.

Doug Novak and **James Fackler**, representing the Michigan Department of State, testified and did not indicate a position on the bills.

Gary Naeyaert, representing the Michigan Ignition Interlock Providers Association, testified in support of the bills.

Homer Smith, representing Mothers Against Drunk Driving (MADD), testified in support of the bills.

Jackie Brundage, representing Mothers Against Drunk Driving (MADD), testified in support of the bills.

The following people submitted a card and did not wish to speak:

Sgt. Matt Bolger, representing the Michigan State Police, supports HB 4920 and HB 4921.

Brad Fralick, representing the Consumer Safety Technology, supports the bills.

Dena Laskowski, representing the Michigan Ignition Interlock Providers Association, supports the bills.

Ralph Blackman, representing The Century Council, supports the bills.

Mark Rosenker, representing the National Transportation Safety Board, supports the bills.

Frank Cardimen, representing the Traffic Improvement Association of Michigan (TIA), supports the bills.

Michele Compton, representing Mothers Against Drunk Driving (MADD), American Interlock, and the Michigan Ignition Interlock Providers Association, supports HB 4920 and HB 4921.

Michael Balgord, representing National Interlock, supports the bills.

Judge Harvey Hoffman, representing the Michigan Association of Drug Court Professionals Legislative Committee, supports HB 4920 and HB 4921 in concept with changes.

Ellen Hoekstra of Capitol Services, representing the Michigan Association of Substance Abuse Coordinating Agencies, Inc. (MASACA), did not indicate a position on the bills.

Matt Groen, representing the Michigan Restaurant Association, opposes the bills.

Representative Bieda moved to adopt the substitute **(H-2)** to **HB 4920**.

The motion prevailed by a vote of **14-0-1**.

FAVORABLE ROLL CALL:

Yeas: Representatives Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Virgil Smith, Warren, David Law, Elsenheimer, Stakoe, Rick Jones and Rocca,
Nays: None,
Pass: Representative Schuitmaker.

Representative Corriveau offered the following amendment to **HB 4920 (H-2)**:

1. Amend page 31, line 3, by striking out all of section 904.

Representative Bieda moved to adopt the amendment.

The motion prevailed by a vote of **15-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Virgil Smith, Warren, Schuitmaker, David Law, Elsenheimer, Stakoe, Rick Jones and Rocca,
Nays: None,
Pass: None.

Representative Bieda moved to report **HB 4920** with recommendation, as substitute **(H-3)**.

The motion prevailed by a vote of **13-1-1**.

FAVORABLE ROLL CALL:

Yeas: Representatives Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Virgil Smith, Warren, David Law, Elsenheimer, Stakoe and Rocca,
Nays: Representative Rick Jones,
Pass: Representative Schuitmaker.

Representative Coulouris moved to report **HB 4921** with recommendation.

The motion prevailed by a vote of **13-0-2**.

FAVORABLE ROLL CALL:

Yeas: Representatives Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Virgil Smith, Warren, David Law, Elsenheimer, Stakoe and Rocca,
Nays: None,
Pass: Representatives Schuitmaker and Rick Jones.

Representative Coulouris moved to adopt the substitute **(H-4)** to **HB 4289**.

The motion prevailed by a vote of **14-0-1**.

FAVORABLE ROLL CALL:

Yeas: Representatives Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Virgil Smith, Warren, David Law, Elsenheimer, Stakoe, Rick Jones and Rocca,
Nays: None,
Pass: Representative Schuitmaker.

Representative Bieda moved to report **HB 4289** with recommendation, as substitute **(H-4)**.

The motion prevailed by a vote of **13-1-1**.

FAVORABLE ROLL CALL:

Yeas: Representatives Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Virgil Smith, Warren, David Law, Elsenheimer, Stakoe and Rocca,
Nays: Representative Rick Jones,
Pass: Representative Schuitmaker.

There being no further business to come before the committee, the Chair adjourned the meeting at 10:07 a.m.

Representative Paul Condino, Chairman
House Standing Committee on Judiciary
Malika Abdur-Rashid
Committee Clerk
517-373-7256
67 Minutes